

ENCLOSURE A
EPA SECTION 308 INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this information request.
2. Precede each answer with the number of the Question to which it corresponds.
3. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
4. You must provide the information requested even though you may contend that it includes confidential business information (CBI) such as trade secrets. You may, if you desire, assert a CBI claim covering part or all of the information requested, under 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet with the words “trade secret,” “proprietary,” or “company confidential” stamped or typed on it. Information covered by such claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the regulation set forth above. **If you do not assert a confidentiality claim, when you submit your information to the EPA, the EPA may disclose the information to the public without further notice to you.** You should read the above cited regulations carefully before asserting a CBI claim, since certain categories of information are not properly the subject of such a claim.

Definitions

The following definitions shall apply to the following words as they appear in the Questions below:

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term “identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

5. The term “identify” means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
6. The term “identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term “Discharge Areas” means the waters of the United States to include wetlands and tributaries that have been impacted either through filling, excavating or mechanical land clearing as a result of the construction of the impoundment and the filling activity along the Waccamaw River that is the subject of this information request. More specifically, the Discharge Area is contained on the property located off Star Bluff Road in Horry County, South Carolina, near latitude 33.8779°N, Longitude -78.7572°W. The Discharge Areas are indicated on the enclosed Exhibits B and C.
8. The term “Site” means the parcel or parcels of land on which the Discharge Areas are located (Exhibit A).
9. The term “Work” means any land clearing activities, ditching, dredging, side casting, road construction, stream crossing construction, dam construction, berm construction, mechanical land clearing, piping of streams or filling activities that have occurred in wetlands or other waters of the United States at the Site since you owned, controlled, or did any Work on the Site.
10. The term “you” and/or “Respondent” shall mean A. D. Watts and/or any corporation where you hold a management or controlling interest.

Questions

Please provide the EPA with the following information or documents pertaining to the Discharge Area identified in Exhibits A and B:

1. Copies of any deeds, leases, easements, or other documents revealing the ownership interest or interests in the Site. If owned by a corporation, please list the managers, officers or controlling parties.
2. The name and address of any contractor or individual who directed or participated in the Work at the Site.
3. The types of equipment used to carry out the Work.
4. The date upon which Work was commenced and the date upon which the Work was completed or will be completed.

5. A description of all Work at the Discharge Areas performed by the Respondent, or on behalf of the Respondent by its subcontractors or agents. In addition, list any entity other than the Respondent, its subcontractors, or agents who performed any Work on the Site.
6. A description of the entire scope of activities at the Discharge Areas including any maps and engineering plans. In addition, please identify the purpose for the construction activities on the Site.
7. A description of the condition of the overall Site and Discharge Areas before Work commenced.
8. Copies of any on-site environmental assessments that were done on soils, vegetation, or hydrology at the Site.
9. Copies of any Federal, State, or local permits that may have been received for the Work on the Site. This includes Horry County, United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), United States Army Corps of Engineers (COE) or the State of South Carolina's Department of Health and Environmental Control or Department of Natural Resources and the South Carolina Forestry Commission.
10. Your reasons for not obtaining a Federal permit under Section 404 of the Clean Water Act prior to commencing the Work at the Site.
11. Plans for any additional land disturbing activities at the Site.
12. Copies of notes regarding any written or verbal communication you have had with Federal, State, or local agencies regarding the Work.
13. Copies of any contracts covering Work at the Site.
14. Please identify the individual or individuals who prepared the responses to this Information Request.

At the end of your response to this information request, please include the following certification: *I certify that I have personally reviewed the information contained in this response to the information request and the response is truthful, accurate and complete. I further certify that the response to the information request contains all documents responsive to the request. I am aware that there are significant penalties for submitting false information including the possibility of further enforcement under the CWA.*

Name and Title